

House File 2366

S-5107

1 Amend the amendment, S-5072, to House File 2366,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 4 and inserting:
5 <DIVISION I
6 ELECTIONS AND VOTER REGISTRATION
7 Section 1. Section 44.4, subsection 1, Code 2014,>
8 2. Page 5, after line 35 by inserting:
9 <DIVISION
10 MISCELLANEOUS PROVISIONS
11 Sec. _____. Section 48A.9, subsection 1, Code 2014,
12 is amended to read as follows:
13 1. Registration closes at 5:00 p.m. eleven days
14 before each election except ~~primary and~~ general
15 elections. For ~~primary and~~ general elections,
16 registration closes at 5:00 p.m. ten days before the
17 election. An eligible elector may register during the
18 time registration is closed in the elector's precinct
19 but the registration shall not become effective until
20 registration opens again in the elector's precinct,
21 except as otherwise provided in section 48A.7A.
22 Sec. _____. Section 48A.26, subsection 3, Code 2014,
23 is amended to read as follows:
24 3. If the registration form is missing required
25 information pursuant to section 48A.11, subsection 8,
26 the acknowledgment shall advise the applicant what
27 additional information is required. The commissioner
28 shall enclose a new registration form for the applicant
29 to use. If the registration form has no address,
30 the commissioner shall make a reasonable effort to
31 determine where the acknowledgment should be sent. If
32 the incomplete registration form is received during
33 the period in which registration is closed pursuant to
34 section 48A.9 but by 5:00 p.m. on the Saturday before
35 the election for general ~~and primary~~ elections or by
36 5:00 p.m. on the Friday before the election for all
37 other elections, the commissioner shall send a notice
38 advising the applicant of election day and in-person
39 absentee registration procedures under section 48A.7A.
40 Sec. _____. Section 50.20, Code 2014, is amended to
41 read as follows:
42 **50.20 Notice of number of provisional ballots.**
43 The commissioner shall compile a list of the number
44 of provisional ballots cast under section 49.81 in each
45 precinct. The list shall be made available to the
46 public as soon as possible, but in no case later than
47 9:00 a.m. on the second day following the election.
48 Any elector may examine the list during normal office
49 hours, and may also examine the ~~affidavit~~ affidavits
50 on the envelopes bearing containing the ballots of

1 challenged electors until the reconvening of the
2 special precinct board as required by this chapter.
3 Only those persons so permitted by section 53.23,
4 subsection 4, shall have access to the affidavits
5 while that board is in session. Any elector may
6 present written statements or documents, supporting or
7 opposing the counting of any provisional ballot, at
8 the commissioner's office until the reconvening of the
9 special precinct board.

10 Sec. _____. Section 53.2, subsection 6, Code 2014, is
11 amended to read as follows:

12 6. If an application for an absentee ballot
13 is received from an eligible elector who is not a
14 registered voter the commissioner shall send the
15 eligible elector a voter registration form and another
16 absentee ballot application form. If the application
17 is received after the time registration closes pursuant
18 to section 48A.9 but by 5:00 p.m. on the Saturday
19 before the election for general ~~and primary~~ elections
20 or by 5:00 p.m. on the Friday before the election for
21 all other elections, the commissioner shall notify the
22 applicant by mail of the election day and in-person
23 absentee registration provisions of section 48A.7A.
24 In addition to notification by mail, the commissioner
25 shall also attempt to contact the applicant by any
26 other method available to the commissioner.

27 Sec. _____. Section 53.8, subsection 1, Code 2014, is
28 amended to read as follows:

29 1. a. Upon receipt of an application for an
30 absentee ballot and immediately after the absentee
31 ballots are printed, the commissioner shall mail an
32 absentee ballot to the applicant within twenty-four
33 hours, except as otherwise provided in subsection 3.
34 The absentee ballot shall be sent to the registered
35 voter by one of the following methods:

36 (1) The absentee ballot shall be enclosed in an
37 unsealed envelope bearing marked with a serial number
38 and affidavit. The absentee ballot and unsealed
39 affidavit envelope shall be enclosed in or with a an
40 unsealed return envelope marked postage paid which
41 bears the same serial number as the unsealed affidavit
42 envelope. The absentee ballot, unsealed affidavit
43 envelope, and return envelope shall be enclosed in a
44 third envelope to be sent to the registered voter. If
45 the ballot cannot be folded so that all of the votes
46 cast on the ballot will be hidden, the commissioner
47 shall also enclose a secrecy envelope with the absentee
48 ballot.

49 (2) The absentee ballot shall be enclosed in an
50 unsealed return envelope marked with a serial number

1 and affidavit and marked postage paid. The absentee
2 ballot and return envelope shall be enclosed in a
3 second envelope to be sent to the registered voter. If
4 the ballot cannot be folded so that all of the votes
5 cast on the ballot will be hidden, the commissioner
6 shall also enclose a secrecy envelope with the absentee
7 ballot.

8 b. The affidavit shall be marked on the appropriate
9 envelope in a form prescribed by the state commissioner
10 of elections.

11 Sec. ____. Section 53.10, subsection 2, Code 2014,
12 is amended to read as follows:

13 2. Each person who wishes to vote by absentee
14 ballot at the commissioner's office shall first sign
15 an application for a ballot including the following
16 information: name, current address, and the election
17 for which the ballot is requested. The person may
18 report a change of address or other information on
19 the person's voter registration record at that time.
20 The registered voter shall immediately mark the
21 ballot; enclose the ballot in a secrecy envelope, if
22 necessary, and seal it in ~~an affidavit~~ the envelope
23 marked with the affidavit; subscribe to the affidavit
24 on the reverse side of the envelope; and return the
25 absentee ballot to the commissioner. The commissioner
26 shall record the numbers appearing on the application
27 and affidavit envelope along with the name of the
28 registered voter.

29 Sec. ____. Section 53.16, Code 2014, is amended to
30 read as follows:

31 **53.16 Subscribing to affidavit.**

32 After marking the ballot, the voter shall make and
33 subscribe to the affidavit on the ~~reverse side of the~~
34 affidavit envelope or on the return envelope marked
35 with the affidavit, and fold the ballot or ballots,
36 separately, so as to conceal the markings on them, and
37 deposit them in the envelope, and securely seal the
38 envelope.

39 Sec. ____. Section 53.17, subsection 1, unnumbered
40 paragraph 1, Code 2014, is amended to read as follows:

41 ~~The~~ If the commissioner mailed the ballot pursuant
42 to section 53.8, subsection 1, paragraph "a",
43 subparagraph (1), the sealed envelope bearing the
44 voter's affidavit and containing the absentee ballot
45 shall be enclosed in a return envelope which shall be
46 securely sealed. If the commissioner mailed the ballot
47 pursuant to section 53.8, subsection 1, paragraph "a",
48 subparagraph (2), the absentee ballot shall be enclosed
49 in the return envelope which shall be securely sealed.
50 The sealed return envelope shall be returned to the

1 commissioner by one of the following methods:
2 Sec. _____. Section 53.18, subsections 2 and 3, Code
3 2014, are amended to read as follows:

4 2. If the commissioner receives the return envelope
5 containing the completed absentee ballot by 5:00
6 p.m. on the Saturday before the election for general
7 ~~and primary~~ elections and by 5:00 p.m. on the Friday
8 before the election for all other elections, the
9 commissioner shall review the affidavit marked on the
10 return envelope, if applicable, for completeness or
11 shall open the return envelope to review the affidavit
12 for completeness. If the affidavit is incomplete, the
13 commissioner shall, within twenty-four hours of the
14 time the envelope was received, notify the voter of
15 that fact and that the voter may complete the affidavit
16 in person at the office of the commissioner by 5:00
17 p.m. on the day before the election, vote a replacement
18 ballot in the manner and within the time period
19 provided in subsection 3, or appear at the voter's
20 precinct polling place on election day and cast a
21 ballot in accordance with section 53.19, subsection 3.

22 3. If the affidavit envelope or the return
23 envelope marked with the affidavit contains a defect
24 that would cause the absentee ballot to be rejected
25 by the absentee and special voters precinct board,
26 the commissioner shall immediately notify the voter
27 of that fact and that the voter's absentee ballot
28 shall not be counted unless the voter requests and
29 returns a replacement ballot in the time permitted
30 under section 53.17, subsection 2. The voter may
31 request a replacement ballot in person, in writing, or
32 over the telephone. The same serial number that was
33 assigned to the records of the original absentee ballot
34 application shall be used on the envelope and records
35 of the replacement ballot. The affidavit envelope
36 marked with the affidavit and containing the completed
37 replacement ballot shall be marked "Replacement
38 ballot". The affidavit envelope marked with the
39 affidavit and containing the original ballot shall be
40 marked "Defective" and the replacement ballot shall be
41 attached to the affidavit such envelope containing the
42 original ballot and shall be stored in a secure place
43 until they are delivered to the absentee and special
44 voters precinct board, notwithstanding sections 53.26
45 and 53.27.

46 Sec. _____. Section 53.21, subsection 2, paragraph b,
47 Code 2014, is amended to read as follows:

48 b. The voter shall enclose one copy of the above
49 statement in the return envelope along with the
50 affidavit envelope, if the voter was mailed a separate

1 affidavit envelope, and shall retain a copy for the
2 voter's records.

3 Sec. _____. Section 53.23, subsection 3, paragraph
4 b, subparagraph (1), Code 2014, is amended to read as
5 follows:

6 (1) The commissioner may direct the board to meet
7 on the day before the election for the purpose of
8 reviewing the absentee voters' affidavits appearing
9 on the sealed ~~affidavit~~ envelopes. If in the
10 commissioner's judgment this procedure is necessary
11 due to the number of absentee ballots received, the
12 members of the board may open the sealed affidavit
13 envelopes and remove the secrecy envelope containing
14 the ballot, but under no circumstances shall a secrecy
15 envelope or a return envelope marked with an affidavit
16 be opened before the board convenes on election day,
17 except as provided in paragraph "c". If the affidavit
18 envelopes are opened before election day pursuant
19 to this paragraph "b", two observers, one appointed
20 by each of the two political parties referred to
21 in section 49.13, subsection 2, shall witness the
22 proceedings. The observers shall be appointed by the
23 county chairperson or, if the county chairperson fails
24 to make an appointment, by the state chairperson.
25 However, if either or both political parties fail to
26 appoint an observer, the commissioner may continue with
27 the proceedings.

28 Sec. _____. Section 53.23, subsection 5, Code 2014,
29 is amended to read as follows:

30 5. The special precinct election board shall
31 preserve the secrecy of all absentee and provisional
32 ballots. After the affidavits on the envelopes have
33 been reviewed and the qualifications of the persons
34 casting the ballots have been determined, those that
35 have been accepted for counting shall be opened. The
36 ballots shall be removed from the affidavit envelopes
37 or return envelopes marked with the affidavit, as
38 applicable, without being unfolded or examined, and
39 then shall be thoroughly intermingled, after which they
40 shall be unfolded and tabulated. If secrecy folders or
41 envelopes are used with provisional paper ballots, the
42 ballots shall be removed from the secrecy folders after
43 the ballots have been intermingled.

44 Sec. _____. Section 53.25, Code 2014, is amended to
45 read as follows:

46 **53.25 Rejecting ballot.**

47 1. If the absentee voter's affidavit lacks the
48 voter's signature, if the applicant is not a duly
49 registered voter on election day in the precinct
50 where the absentee ballot was cast, if the affidavit

1 envelope marked with the affidavit contains more than
2 one ballot of any one kind, or if the voter has voted
3 in person, such vote shall be rejected by the absentee
4 and special voters precinct board. If the affidavit
5 envelope or return envelope marked with the affidavit
6 is open, or has been opened and resealed, or if the
7 ballot is not enclosed in the affidavit such envelope,
8 and an affidavit envelope or return envelope marked
9 with the affidavit with the same serial number and
10 marked "Replacement ballot" is not attached as provided
11 in section 53.18, the vote shall be rejected by the
12 absentee and special voters precinct board.

13 2. If the absentee ballot is rejected prior to the
14 opening of the affidavit envelope or return envelope
15 marked with the affidavit, the voter casting the ballot
16 shall be notified by a precinct election official
17 by the time the canvass is completed of the reason
18 for the rejection on a form prescribed by the state
19 commissioner of elections.

20 Sec. _____. Section 53.27, Code 2014, is amended to
21 read as follows:

22 **53.27 Rejection of ballot — return of envelope.**

23 If the ballot is rejected, the affidavit envelope,
24 marked with the affidavit ~~of~~, with the ~~voter endorsed~~
25 voter's endorsement thereon, shall be returned with the
26 rejected ballot in the envelope endorsed "Defective
27 ballots".

28 Sec. _____. Section 53.30, Code 2014, is amended to
29 read as follows:

30 **53.30 Ballots, ballot envelopes, and other**
31 **information preserved.**

32 At the conclusion of each meeting of the absentee
33 and special voter's precinct board, the board shall
34 securely seal all ballots counted by them in the manner
35 prescribed in section 50.12. The ballot envelopes,
36 including the affidavit envelope ~~having the registered~~
37 ~~voter's affidavit on it~~ if an affidavit envelope was
38 provided, the return envelope, and secrecy envelope
39 bearing the signatures of precinct election officials,
40 as required by section 53.23, shall be preserved. All
41 applications for absentee ballots, ballots rejected
42 without being opened, absentee ballot logs, and any
43 other documents pertaining to the absentee ballot
44 process shall be preserved until such time as the
45 documents may be destroyed pursuant to section 50.19.

46 Sec. _____. Section 53.32, Code 2014, is amended to
47 read as follows:

48 **53.32 Ballot of deceased voter.**

49 When it shall be made to appear by due proof to
50 the precinct election officials that any elector, who

1 has so marked and forwarded a ballot, has died before
2 the ~~affidavit~~ envelope marked with the affidavit is
3 opened, then the ballot of such deceased voter shall
4 be endorsed, "Rejected because voter is dead", and be
5 returned to the commissioner, ~~but the~~. The casting of
6 the ballot of a deceased voter shall not invalidate the
7 election.

8 Sec. _____. Section 53.38, Code 2014, is amended to
9 read as follows:

10 **53.38 What constitutes registration.**

11 Whenever a ballot is requested pursuant to section
12 53.39 or 53.45 on behalf of a voter in the armed
13 forces of the United States, the affidavit upon the
14 ~~affidavit~~ envelope marked with the affidavit of such
15 voter, if the voter is found to be an eligible elector
16 of the county to which the ballot is submitted, shall
17 constitute a sufficient registration under chapter
18 48A. A completed federal postcard registration and
19 federal absentee ballot request form submitted by such
20 eligible elector shall also constitute a sufficient
21 registration under chapter 48A. The commissioner shall
22 place the voter's name on the registration record as a
23 registered voter if it does not already appear there.
24 The identification requirements of section 48A.8 and
25 the verification requirements of section 48A.25A do
26 not apply to persons who register to vote under this
27 division.

28 Sec. _____. Section 53.40, subsection 3, Code 2014,
29 is amended to read as follows:

30 3. If the affidavit on the ~~affidavit~~ envelope
31 marked with the affidavit shows that the affiant is not
32 a qualified voter on the day of the election at which
33 the ballot is offered for voting, the envelope shall
34 not be opened, but the envelope and ballot contained
35 in the envelope shall be preserved and returned by the
36 precinct election officials to the commissioner, who
37 shall preserve them for the period of time and under
38 the conditions provided for in sections 50.12, 50.13,
39 50.15, and 50.19.

40 Sec. _____. Section 53.44, Code 2014, is amended to
41 read as follows:

42 **53.44 Affidavit to be signed and returned.**

43 1. The affidavit on the ~~affidavit~~ envelope marked
44 with the affidavit used in connection with voting by
45 absentee ballot under this division by members of the
46 armed forces of the United States need not be notarized
47 or witnessed, but the affidavit on such envelope shall
48 be completed and signed by the voter.

49 2. Absentee ballots issued under this division
50 shall be returned in the same manner and within the

1 same time limits specified in section 53.17.
2 Sec. _____. REPEAL. Sections 53.13 and 53.14, Code
3 2014, are repealed.
4 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
5 of this Act, being deemed of immediate importance,
6 takes effect upon enactment.>
7 3. Title page, by striking lines 1 through 4 and
8 inserting <An Act related to the policy administration
9 of elections and voter registration and including
10 effective date provisions.>
11 4. By renumbering, redesignating, and correcting
12 internal references as necessary.

JEFF DANIELSON